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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,434	10/02/2000	Pascal Portrait	D-7683	4851

25572 7590 02/28/2003

THE MEAD CORPORATION
LEGAL DEPARTMENT
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SMYRNA, GA 30080

EXAMINER

PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 02/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/600,434

Applicant(s)

PORTRAIT, PASCAL

Examiner

John R. Paradiso

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,10,12,13 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-6,8,10,12,13 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments

1. In view of the amendments filed 12/10/2002, the rejections to the claims under 35 U.S.C. § 112 are hereby withdrawn.

Claim Objections

2. Claim 21 is objected to because of the following informalities: it claims dependence upon claim 7, which has been cancelled by amendment.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-6, 8-10, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over LASHYRO (WO 97/26188) in view of BOIVIN (FR 2286708).

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LASHYRO discloses a packaging machine and method for packaging cylindrical objects in two lines (12, 13), folding carton blanks (23) open, and loading the objects into the cartons. The blanks are formed with pushers and a rotary die (35).

LASHYRO does not disclose the use of paired complementary dies.

BOIVIN discloses a method of forming packages from blanks (2) in which the blank is passed between complementary dies (18, 19) with protrusions that push open parts of the blank in order to form a package.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the complementary dies of BOIVIN in the invention of LASHYRO in order to provide a more continuous operation.

Regarding the recitation in claim 4 that “said channels are grouped to correspond to the number of articles to be placed...”, the channels are being read on the two lines (12, 13) of LASHYRO and their associated guides. The correspondence in the illustration of Figure 3 of LASHYRO shows the correspondence to be a multiple rather than a one-to-one correspondence between the number of channels and the number of articles, however, any other correspondence would be a matter of design choice to make the number of articles any desired multiple of the number of lines, since applicant has not disclosed that any particular multiple solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with any multiple of articles on each line that meets the desired packaging needs of the manufacturer.

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The combination of LASHYRO and BOIVIN does not disclose one of the complementary dies having a recessed portion adapted to receive the protruding portion of the other complementary die. However, the use of mated dies with one die having a protrusion and the mated die having a recess to fit that protrusion is notoriously well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide one or both of the dies of the combination of LASHYRO and BOIVIN with recessed portions in order to accommodate protrusions from the mated die and thus enable the machine to handle larger flap folding capabilities.

5. Claims 12, 13, 16-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over LASHYRO in view of BOIVIN as applied to claims 1, 2, 4-6, 8-10, and 20 above, and further in view of KONTZ (US 4472217).

The combination of LASHYRO and BOIVIN does not disclose orienting the articles by means of sensing a protrusion on the article.

KONTZ discloses a method and apparatus for packaging in which the outer part of an article contains a protrusion (15) which is sensed by a positioning assembly, and used to orient the article.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the method of orienting taught by KONTZ in the combination of LASHYRO and BOIVIN in order to provide a consistent and reliable method of orienting the articles so that they all face the same direction in the package.

Response to Arguments

6. Applicant's arguments filed 12/10/2002 have been fully considered but they are not persuasive.

7. Applicant states on page 6 of his Response that "The combination of Lashyro and Boivin does not disclose orienting the articles by means of sensing a protrusion.

However, this provision is shown by KONTZ and is detailed in paragraph 5 above.

8. Applicant states on page 7 of his Response that "Lashyro does not disclose the use of paired complementary dies."

However, this provision is shown by BOIVIN and is detailed in paragraph 4 above.

9. Applicant states on page 8 of his Response that claims 5 and 10 "requires at least two channels in substantially parallel relationship..."

However, this is shown in LASHYRO and explained more clearly in the notes of paragraph 4 above.

10. All other arguments have been considered but are moot in view of the new ground(s) of rejection.

Reference Citations

11. The following prior art made of record and not relied upon is considered pertinent to Applicant's disclosure:

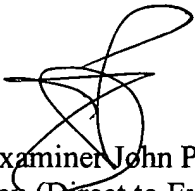
- DIETRICH ET AL discloses a method and apparatus for packaging articles in a container, each article moving down a parallel guide track.
- TAGLIAFERRI ET AL discloses a method and apparatus for packaging articles in a container, each article moving down a parallel guide track.
- PETRY ET AL TAGLIAFERRI ET AL discloses a method and apparatus for packaging articles in a container, each article moving down a parallel guide track.
- ATERIANUS discloses complementary sealing dies with protrusions on one die and matching recesses on the other die.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center receptionist.



Examiner John Paradiso (703) 308-2825
Fax (Direct to Examiner): (703) 746-3253
Supervisor Rinaldi Rada (703) 308-2187
Receptionist (703) 308-1148

February 24, 2003